

Passed the Senate on May 4, 2015: Yeas 31, Nays 0; passed the House on May 19, 2015: Yeas 146, Nays 0, two present not voting.

Approved May 29, 2015.

Effective September 1, 2015.

**PURCHASE OF FOOD AND BEVERAGES BY THE TEXAS
DIVISION OF EMERGENCY MANAGEMENT FOR CERTAIN
DIVISION PERSONNEL**

CHAPTER 267

H.B. No. 120

AN ACT

relating to the purchase of food and beverages by the Texas Division of Emergency Management for certain division personnel.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.052 to read as follows:

Sec. 418.052. USE OF FUNDS TO SUPPORT CERTAIN DIVISION PERSONNEL. The division may use appropriated funds to purchase food and beverages for division personnel who are:

- (1) activated to provide services in response to a disaster; and*
- (2) unable to leave or required to remain at their assignment areas due to the disaster.*

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 4, 2015: Yeas 138, Nays 0, 2 present, not voting; passed by the Senate on May 20, 2015: Yeas 31, Nays 0.

Approved June 1, 2015.

Effective June 1, 2015.

**CREATION OF A COMMISSION TO REVIEW CONVICTIONS
AFTER EXONERATION AND TO PREVENT WRONGFUL
CONVICTIONS**

CHAPTER 268

H.B. No. 48

AN ACT

relating to the creation of a commission to review convictions after exoneration and to prevent wrongful convictions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.27 to read as follows:

Art. 43.27. TIMOTHY COLE EXONERATION REVIEW COMMISSION

Sec. 1. CREATION. The Timothy Cole Exoneration Review Commission is created.

Sec. 2. *COMPOSITION.* (a) *The commission is composed of the following 11 members:*

- (1) a member appointed by the governor;*
- (2) the chair of the Senate Committee on Criminal Justice;*
- (3) the chair of the Senate Committee on State Affairs;*
- (4) the chair of the House Committee on Criminal Jurisprudence;*
- (5) the chair of the House Committee on Judiciary and Civil Jurisprudence;*
- (6) a member appointed by the chair of the Texas Judicial Council;*
- (7) the presiding officer of the Texas Commission on Law Enforcement, or a member or employee of the Texas Commission on Law Enforcement appointed by the presiding officer;*
- (8) the presiding officer of the Texas Indigent Defense Commission, or a member or employee of the Texas Indigent Defense Commission appointed by the presiding officer;*
- (9) the presiding officer of the Texas Forensic Science Commission, or a member or employee of the Texas Forensic Science Commission who has significant experience in the field of forensic science appointed by the presiding officer;*
- (10) the president of the Texas Criminal Defense Lawyers Association, or the president's designee; and*
- (11) the chairman of the board of the Texas District and County Attorneys Association, or the chairman's designee.*

(b) A person appointed under this section may not, while serving on the commission, be an active judge, as that term is defined by Section 74.041, Government Code.

(c) The following persons serve as advisory members to the commission:

- (1) the director of the Texas Center for Actual Innocence at The University of Texas School of Law;*
- (2) the director of the Texas Innocence Network at the University of Houston Law Center;*
- (3) the executive director of the Innocence Project of Texas; and*
- (4) the executive director of the Innocence Project at Thurgood Marshall School of Law.*

Sec. 3. *TERMS; VACANCIES.* (a) *A member of the commission serves until the commission is dissolved.*

(b) The presiding officer of the commission shall be elected by the members of the commission.

(c) A vacancy on the commission is filled in the same manner as the original appointment.

(d) The presiding officer may appoint committees from the membership of the commission as needed to organize the commission or to perform the duties of the commission.

Sec. 4. *ADMINISTRATIVE ATTACHMENT.* (a) *The commission exists under the Texas Judicial Council created under Chapter 71, Government Code. The commission operates independently of the Texas Judicial Council.*

(b) The commission is administratively attached to the Office of Court Administration of the Texas Judicial System.

(c) Notwithstanding any other law, and subject to available funding, the Office of Court Administration of the Texas Judicial System shall:

- (1) provide administrative assistance and services to the commission;*
- (2) accept, deposit, and disburse money made available to the commission; and*
- (3) provide the commission with adequate computer equipment and support.*

Sec. 5. *MEETINGS.* (a) *The commission may hold its hearing and meetings and other proceedings at a time and in a manner determined by the commission, but shall*

meet in Austin at least annually. The commission shall hold its first meeting on or before October 31, 2015.

(b) The commission shall conduct one public hearing. Advisory members may participate in the public hearing of the commission but do not count toward a quorum and are not entitled to vote on matters before the commission.

(c) Six members of the commission constitute a quorum. The commission may act only on the concurrence of six or more members. The commission may issue a report under Section 9 only on the concurrence of seven members.

(d) Subject to the availability of funds, a member of the commission is entitled only to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 6. QUALIFICATIONS. *(a) A member of the commission may not participate in or vote on any matter before the commission if the matter directly concerns an individual related to the member within the second degree by affinity or consanguinity.*

(b) An individual may not be a member of the commission if the individual or individual's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the individual's activities for compensation on behalf of a profession or entity related to the operation of the commission.

Sec. 7. GROUNDS FOR REMOVAL. *(a) It is a ground for removal from the commission that a member:*

(1) if applicable, does not have at the time of appointment the qualifications required by this article;

(2) does not maintain during service on the commission the qualifications required by this article;

(3) violates a prohibition established by this article;

(4) is ineligible for membership under this article;

(5) cannot, because of illness or disability, discharge the member's duties for a substantial period; or

(6) is absent from more than half of the regularly scheduled meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

Sec. 8. DUTIES. *(a) The commission may review and examine all cases in this state in which an innocent defendant was convicted and then, on or after January 1, 2010, was exonerated to, as applicable:*

(1) identify the causes of wrongful convictions and suggest ways to prevent future wrongful convictions and improve the reliability and fairness of the criminal justice system;

(2) ascertain errors and defects in the laws, evidence, and procedures applied or omitted in the defendant's case;

(3) consider suggestions to correct the identified errors and defects through legislation or procedural changes;

(4) identify procedures, programs, and educational or training opportunities designed to eliminate or minimize the identified causes of wrongful convictions;

(5) collect and evaluate data and information from an actual innocence exoneration reported to the commission by a state-funded innocence project, for inclusion in the commission's report under Section 9;

(6) identify any patterns in errors or defects in the criminal justice system in this state that impact the pretrial, trial, appellate, or habeas review process; or

(7) consider and suggest legislative, training, or procedural changes to correct the pat-

terns, errors, and defects in the criminal justice system that are identified through the work of the commission.

(b) The commission shall consider potential implementation plans, costs, cost savings, and the impact on the criminal justice system for each potential solution identified through the work of the commission.

(c) The commission shall review and update the research, reports, and recommendations of the Timothy Cole advisory panel established in the 81st Regular Session and shall include in its report under Section 9 the degree to which the panel's recommendations were implemented.

(d) The commission may solicit input from innocence projects, bar associations, judicial entities, law enforcement agencies, prosecutor associations, public defender or criminal defense associations, public and private universities, and advocacy organizations.

Sec. 9. REPORT AND RECORDS. (a) The commission shall compile and issue a detailed report of its findings and recommendations, including any legislation or policy changes the commission recommends to implement procedures and programs to prevent the causes and occurrence of future wrongful convictions. The report must also describe statutory, procedural, and evidentiary reforms that have already been implemented in this state to prevent the causes and occurrence of future wrongful convictions.

(b) The report may not include any recommendation regarding the use of the death penalty or related procedures.

(c) The official report issued by the commission must be made available to the public on request.

(d) Working papers and records, including all documentary or other information, collected, received, prepared, or maintained by the commission or members of the commission in performing under this article or other law the commission's duties to conduct an evaluation and prepare a report, are confidential and not subject to disclosure under Chapter 552, Government Code.

(e) The commission may request that an entity of state government or of a political subdivision provide information related to the commission's duties under Section 8. On the request of the commission, an entity may provide information to the commission unless otherwise prohibited from disclosing that information.

(f) Information held by an entity of state government or of a political subdivision that is confidential and that the commission receives in connection with the performance of the commission's functions under this article or other law remains confidential and is not subject to disclosure under Chapter 552, Government Code.

(g) In carrying out its duties, the commission may examine the public records of an entity of state government or a political subdivision that are provided under Subsection (e).

Sec. 10. ASSISTANCE OF STATE-SUPPORTED UNIVERSITIES. The commission may request assistance from any state-supported university in performing the commission's duties.

Sec. 11. SUBMISSION. The commission shall submit the report described by Section 9 to the governor, the lieutenant governor, the speaker of the house of representatives, the legislature, and the Texas Judicial Council not later than December 1, 2016.

Sec. 12. EXPIRATION. (a) This article expires December 1, 2016.

(b) The commission is dissolved on the earlier of:

(1) the date the commission submits its report; or

(2) December 1, 2016.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 1, 2015: Yeas 134, Nays 6, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 48 on May 28, 2015: Yeas 137, Nays 5, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 31, Nays 0.

Approved June 1, 2015.

Effective June 1, 2015.

**CREATION OF THE COTTON CENTER MUNICIPAL UTILITY
DISTRICT NO. 1; GRANTING A LIMITED POWER OF
EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 269

H.B. No. 1372

AN ACT

relating to the creation of the Cotton Center Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8492 to read as follows:

CHAPTER 8492. COTTON CENTER MUNICIPAL UTILITY DISTRICT NO.

1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8492.001. **DEFINITIONS.** *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Cotton Center Municipal Utility District No. 1.

Sec. 8492.002. **NATURE OF DISTRICT.** *The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.*

Sec. 8492.003. **CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.** *The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 8492.004. **CONSENT OF MUNICIPALITY REQUIRED.** *The temporary directors may not hold an election under Section 8492.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.*

Sec. 8492.005. **FINDINGS OF PUBLIC PURPOSE AND BENEFIT.** (a) *The district is created to serve a public purpose and benefit.*

(b) *The district is created to accomplish the purposes of:*

- (1) *a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*
- (2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved*